

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

KEVIN MARK MCFARLAND,

Plaintiff,

vs.

Case No. 6:19-cv-01066-MK
ORDER

STATE OF OREGON; COUNTY OF LANE;
LANE COUNTY CIRCUIT COURT; The
Honorable DEBRA VOGT; The Honorable
CURTIS CONOVER; LANE COUNTY
DISTRICT ATTORNEY; LANE COUNTY
SHERIFF,

Defendants.

AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai has filed his Findings and Recommendation (“F&R”) (Doc. 53) recommending that the Court grant defendants’ motion to Dismiss. Doc. 45. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's F&R, the district court must make a *de novo* determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Plaintiff filed what he styled as a "motion for reconsideration and objection to the finding and recommendation." Doc. 55. Though this document was filed beyond the deadline for objections, the Court still construes it as a timely objection in light of plaintiff's pro se status. Having reviewed the file of this case, however, the Court finds no error in Magistrate Judge Kasubhai's order analyzing the numerous deficiencies in plaintiff's pleadings, including those previously identified by this Court in its order denying temporary injunctive relief in 2019. Doc. 10

Thus, the Court adopts Magistrate Judge Kasubhai's F&R (Doc. 53) in its entirety. Defendants' motion to dismiss (Doc. 45) is GRANTED. As amendment would be futile, the complaint is dismissed, with prejudice.

///

///

///

///

///

///

///

There are two other pending motions in this matter. The Court need not address the second motion to dismiss (doc. 56) which was filed after Magistrate Judge Kasubhai issued his F&R, as the complaint is being dismissed in its entirety. The Court does note, however, that plaintiff failed to file a response to that motion. Finally, plaintiff's motion for a stay (Doc. 58) is denied as the Court has found plaintiff could not amend his claims to cure the deficiencies identified in the F&R.

IT IS SO ORDERED.

Dated this 24th day of March, 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge